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ABSTRACT

The president of a leading public television station presents his views on the institutional nature of commercial and especially public television. In particular, he contends that the reliance of public television on government support, which is contingent on governmental judgments of objectivity and balance, is at least as inimical to the basic ideal of liberty of thought and expression as is the necessity of mass audiences for commercial television. (RH)

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Communication, Organizations and John Stuart Mill

Richard O. Moore

Introduction:

That native American sage, Walter Lippman, who has probably had deeper insights into the nature of American public opinion than anyone except the Frenchman, de Toqueville, has pointed out that the news and information media begin by collecting symbols and end by disseminating stereotypes. Writing prior to the emergence of television as the dominant mass medium, Lippman described a process whereby the same symbols would be used over and over again to depict the intentions and behavior of groups and institutions. Gradually, according to Lippman, the news media would build up a "repertory of stereotypes."

Lippman suggested further than these stereotypes function as "pictures in our head" around which we tend to organize all of the information we receive on a given subject. Now, if we think of television as a device whereby pictures are transferred directly from the screen to our heads, rather like mainlining in drug terminology, the source and quality of the supply becomes vitally important! I don't intend to press the analogy any

further, except to suggest that, as we have addressed ourselves in this Conference to questions pertaining to television, truth and reality, the nature of the organizations dealing in these commodities must be subject to the most careful examination.

As the day of my liberation from the presidency of KQED approaches, I have been moved to think about matters relating to the role of broadcasting in this country. I need not remind the managers present that thinking about such matters occupies precious little of a manager's time. However, in a fit of anticipation, I mentioned to Paul Kaufman that I had begun to re-read John Stuart Mill as part of a process of weaning myself away from expediency and back toward more sustaining principle. The next thing I knew was that I had agreed to present a talk at this Conference on the subject: Communication, Organizations and John Stuart Mill.

It was a hundred years ago, in 1873, that the essayist, philosopher and government clerk, John Stuart Mill, died. Can you imagine that combination today? Mill held a government clerkship in India House from 1823 until his death. His Essay on Liberty was published in 1859 and is certainly one of the more obvious foundation stones of the so-called liberal tradition in Western thought. I don't mean to suggest that it is very widely read today. In fact, I believe that many of the self-professed libertarians of the present decade would be amazed, assuming

they could be persuaded to read Mill, to find the basic principles regarding the liberty of thought and discussion so succinctly and eloquently stated, free of the anti-libertarian trait of mere advocacy.

There is much to be gained in occasionally touching base, in re-examining those basic principles of freedom and the pursuit of truth which those of us involved in present day communications systems rather loosely profess from time to time. There is a plethora of rhetoric in this year of the Watergate about the role of the press and television, about the censorship and management of information by government, and about something called the communications revolution. One of the more obvious characteristics of modern day communications, as represented by the ability to reach masses of individuals instantaneously, is that communications is an instrument of power, particularly political power. We can be deceived into accepting political and military actions as a consequence of events that never took place -- witness the Tonkin Gulf incident as it was described to the American people. I think it was Gertrude Stein who wrote that "the trouble with everything is that it always sounds true." And in a society where <u>every</u> assertion of truth cannot be challenged, deception and untruth is an inevitable consequence.

Chapter Two of Mill's Essay on Liberty begins: "The time, it is to be hoped, is gone by, when any defense would be necessary of the 'liberty of the press' as one of the securities against

corrupt or tyrannical government. No argument, we may suppose, can now be needed, against permitting a legislature or an executive, not identified in interest with the people, to prescribe opinions to them, and determine what doctrines or what arguments they shall be allowed to hear." Ironically, in Mill's own time the Government Press prosecutions of 1858 took place, and there has never been a time when those in power have not been fearfully watchful of even a controlled press. Certainly in our own and recent time we are all too familiar with attacks originating with the Federal government against the press and television news and public affairs programming in particular. As for legislative restraint, there is the requirement in the Public Broadcasting Act of 1967 that there shall be "balance and objectivity" in each program or series of programs. Arguments in the defense of liberty may be clear, logical and intellectually persuasive, but the old mandate calling for eternal vigilance holds true in that immediate world where the armies of self interest clash by night, by day, and always in prime time.

I once heard Eric Sevareid quote something which he referred to as Gallagher's Law. It was formulated by the Associated Press' Wes Gallagher as follows: "Criticism by the government rises in direct proportion to the amount of news printed or broadcast which reflects unfavorably on government policy. Criticism by the public rises in direct proportion to the amount of news read or heard that does not fit the reader or listener's preconceived

ideas of what the news should be." Regardless of the recent polls which apparently indicate that people both depend upon and trust television news more than newspapers, I have the sense that there is a growing impatience and mistrust of the news because so much of what is reported is symptomatic of a world increasingly filled with mistrust, anxiety and evidence of man's ability to be wolf to man. Again, it is Mill who warns us against one of the most pernicious threats to liberty of thought and discussions when he pointed out that the most dangerous form of censorship is that censorship which has the general consent of the people.

A government, Mill points out, can make itself the organ of the general intolerance of the public. "Let us suppose," he writes, "that the goverment is entirely at one with the people, and never thinks of exerting any power of coercion unless in agreement with what it conceives to be their voice. But I deny the right of the people to exercise such coercion, either by themselves or by their government. The best government has no more title to it than the worst." Reading that passage I could not help but be reminded of recent claims from the present administration of the right to lie in certain circumstances. Such a claim on the part of the Federal government did not originate with the Nixon Administration.

How many of you remember Arthur Sylvester, the Assistant Secretary of Defense for Public Affairs (a rather peculiar title in itself), during the Kennedy administration? The incident

took place during the Cuban Missile Crisis, when challenged about an "official" lie, Sylvester replied, "...it's inherent in government's right, to lie to save itself when it's going up in a nuclear war. That seems to be basic." And in recent weeks we have heard the claim from the White House that there are times that the national interest takes precedence over the facts as contained in both the Pentagon Papers and the Watergate investigations---and that reaches to both ends of the spectrum of what the people should know in a free society. As David Wise points out, the government does have an alternative to lying. "It can tell the truth, or it can say nothing."

It is altogether too easy merely to criticize the policies and pronouncements of the Federal government regarding the press and television. Particularly so when so many of those pronouncements come from master contortionists such as Vice President Agnew and Clay Whitehead. Unlike the increasing number of officials in the Administration who would prefer not to talk at all, this pair excels in placing one and sometimes both feet in the mouth while remaining perfectly upright and uptight before the audience. That shower of self-righteousness currently being enjoyed by the news media is made all the more pleasant, not because of the, I suspect, temporary silencing of the Administration's two most effective gadflies of the media. The fundamental question regarding the liberty of thought and discussion is not better understood by reviewing a cast of characters and identi-

fying some as heroes and others as villians. This would hold true even if Tom Paine were to be a member of the cast. The real condition of liberty in a nation can be diagnosed only through an examination of the whole body politic, and this requires a detailed look at those institutions and corporate entities that are the sources and channels of communications in this country.

My comments are purposely limited to the electronic medium, where the pattern of private, in the sense of commercial, private enterprise broadcasting, employing the publicly owned airwaves was set in the 1920's, It is a well administered, minimally regulated and highly profitable industry. I suspect that most Americans are not aware, that that bawdy but eloquent critic of TV newsmen, the late LBJ, made his fortune primarily from ownership of a radio and later a TV station, KTBC in Austin, a CBS affiliate. The FCC report on Television Network income and profits for 1972 shows a substantial increase over the previous year. As Professor Eric Barnouw has pointed out: "The 'American system of broadcasting,' as it has developed over the years, has been an extraordinary example of governmental laissez faire. It has allowed private companies, almost without restraints, to set up toll gates across public highways of communication and to exact a toll from the traffic. Fortunes have been made from this privilege." Barnouw has pointed out further the close connection between the corporate entities which operate the networks and the

federal government in a manner comparable to President Eisenhower's description of the military-industrial complex. In the Image Empire, Barnouw wrote: "To apply the word 'private' to an industry that had as its main resource the publicly owned airwaves and whose dominant units---RCA, General Electric, Westinghouse, and others---had the federal government (mainly military and space agencies) as their biggest customer, and whose revenues derived in large part from the tax-financed research, was to stretch the word 'private' to strange lengths. All this suggests changes enveloping broadcasting and the world of big business, particularly in their relations with government."

It is commonplace and probably the worst kind of pseudo-wisdom to observe that a nation develops the kind of mass communications system it deserves. What I am trying to suggest is that the American system of broadcasting is a logical outgrowth of American political and economic traditions and institutions, in the same way that the BBC is a system consistent with British traditions and institutions. We are much more different from the British than many of us suppose. Certainly, the authors of the Carnegie Commission Report on Educational Television should have learned this when they proposed the politically naive idea of an excise tax on television sets as a means of financing public, non-commercial television in this country. Such an idea, along with the concept of trusting communications to a highly trained elite, is acceptable to the British, but it

certainly runs against the American grain.

What is the likelihood of those first principles regarding the liberty of thought and discussion attaining a high priority in a privately owned communications institution, licensed by the government in a situation of channel scarcity, and dependent for its corporate survival upon the sale of air time? One can only paraphrase Eliza Doolittle and reply, "Not bloody likely." It would, of course, be a categorical impossibility under a system owned and operated by the government. The question is, "Is there an alternative to the U.S. commercial system which is both institutionally and economically feasible, or is that radical openness to the marketplace of ideas and interests as proposed by Mill another of those tantalizing, but unrealizable dreams?"

There is no contradiction in Clay Whitehead's description of Commercial network news as "elitist gossip and ideological plugola" and his defense of that system when in raising the question as to whether or not public television should carry news and public affairs he said, "...the commercial networks, by and large, do quite a good job in (the) area...of public affairs, news commentary, and that kind of thing." From the point of view of any government, there is much greater danger from any communications system which has minimal partnership ties with that government, not in a regulatory sense, but in terms of shared self interest. From this perspective, the apparent opposition between the government and the commercial broadcasters is something of an illusion.

The Communications Act of 1934 speaks of "the public interest, convenience and necessity." As one listens to broadcasters, media access groups, politicians, Women's Lib, Gay Lib, PR men, and individuals who make up the diverse television audience, it becomes rather difficult to determine what is meant by "the public interest." The FCC requires that broadcasters make a "diligent, positive and continuing effort...to discover and fulfill the tastes, needs and desires of the communities they serve." There have been times when I have felt that that injunction was a mandate for broadcasters primarily to reflect local prejudices, ignorance, and the desire to be insulated from the real and alien world. At the same time, the FCC has described the "basic purpose" of broadcasting "the development of an informed public opinion through the public dissemination of news and ideas concerning the vital public issues of the day." And the Commission has described as "the foundation stone of the American system of broadcasting" the "right of the public to be informed, rather than any right on the part of the government, and broadcast licenses of any individual members of the public to broadcast his own particular views on any matter." One interpretation of the famous Red Lion decision is that the Supreme Court affirmed the interest of the community as taking precedence over the individual interest of the broadcaster. In the language of the Court: "It does not violate the First Amendment to treat licensees given the privilege of using scarce radio frequencies as proxies for the entire community,

obligated to give suitable time and attention to matters of great public concern." That ruling may be all well and good except that it also establishes that broadcasters, that is those who hold broadcast channels, are not entitled to the full protection of the First Amendment. Again, in the language of the Court, stations do not possess "an unbridgeable First Amendment right to broadcast comparable to the right of every individual to speak, write or publish." The Red Lion decision was in 1969. Then in 1971, another decision, Rosenbloom vs. Metromedia, not as well known, appeared to extend the First Amendment privileges afforded newspapers to licensees. Of course, the decision which went against the Red Lion Broadcast Company was in support of author and journalist Fred Cook's right to reply to a broadcast by the Rev. Billy James Hargis and his "Christian Crusade." The decision in favor of Metromedia went against a Mr. George Rosenbloom who was a distributor of nudist magazines in Philadelphia. Somewhere in the background I hear the phrase "tastes, needs and desires of the local community" as being the ruling principle here and that, I assure you, does not derive from John Stuart Mill.

To return to the question as to whether or not a communications system can be developed wherein the basic premise for the system itself is liberty of thought and discussion rather than accommodation to the dominant powers in the society or, in gentler terms, what Mill called "intellectual pacification,"

or on the more obvious premise of optimum return to stockholders, let's examine Public Television. The most obvious difference between so-called "public" and private or commercial television is that the operators of those channels reserved for non-commercial, educational use are prohibited from selling air time. In theory this was to have given public broadcasters greater freedom of choice with regard to programming because they would be free of the restraints of commercial sponsorship and the necessity to reach not a particular audience, but the largest possible audience. This has proved to be a rather hollow freedom. Seldom able to amass the financial resources necessary for good programming, the stations, on the whole, were even more timid and cautious of innovation and controversy than their commercial counterparts. The Carnegie Commission Report issued in 1967 is frequently considered to be a kind of blueprint for public television. I have always found it a very curious document. It proposed a politically unfeasible means of financing public television---a manufacturers' excise tax on sets. And it described a kind of Alice in Wonderland independent, but interrelated collection of stations, with the facilities and programming funds to be relevant, responsible, innovating, and founded on the bedrock of localism, as a kind of validating Plymouth Rock stepping stone to the rest of the nation. In its dry, rather academic style, the Carnegie Commission Report is as much a fantasy as those millenial dreams of the video freaks who envisage a global Reichian cable

system under which the entire population will become interconnected and good. It is not surprising that those portions of the Carnegie Report which are most frequently quoted are the final paragraph which is an exhortation claiming in a rather patriotic way that what is being sought for public television is freedom and the epigraph to Chapter One taken from a letter to the Commission by E. B. White, whose sentences are worth quoting in almost any context.

None of this is intended to suggest that neither commercial or non-commercial television has ever produced a good program. There have been many good programs produced, but they tend to stand out as exceptions for having been produced in spite of the system and corporate demands deriving from the very nature of our broadcast institutions. It is ironic that this nation's public television system should have a more direct partnership with the Federal government, both economically and politically, than commercial television. The members of the Board of the Corporation for Public Broadcasting are appointed by the President, funding on a short or long range basis must be approved by both the Congress and the President, and the language of the Public Broadcasting Act of 1967 is very specific with respect to controversial programming: Section (g)(1)(A) charges the Corporation to "facilitate the full development of educational broadcasting in which programs of high quality, obtained from diverse sources, will be made available to non-commercial

educational television and radio stations, with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature." This, needless to say, goes considerably beyond the Fairness Doctrine. And the problem of maintaining a strict adherence to balance among contending points of view in areas of controversy would be comical were it not so threatening for the future of investigative journalism. Laws and regulations requiring objectivity and balance usually mean objectivity and balance as perceived by the law makers. One person's objectivity and balance is to another person bias. The presumption to rule on balance is a presumption of infallibility. The new CPB-PBS agreement has a committee of six to exercise that somewhat Papal function.

The May 31 Public Broadcasting Accords issued jointly by the CPB and PBS Boards has probably brought to an end the petty bickering that has so characterized the generally ineffectual public broadcast establishment over the past several years. They have announced a partnership and announced a joint intention to woo Congress for increased and longer term funding. Although the joint statement speaks of removing public broadcasting from the political hazards of annual authorizations and appropriations, no other mention is made of the dominant silent partner in this enterprise which remains not the Ford Foundation but the Federal government. The fact remains that public broadcasting in this country is much more dependent upon and sensitive

to the judgments and actions of government than is commercial broadcasting or that tax supported system, the BBC. Fred Friendly, in testimony before Senator Pastore's Commerce Committee on Communication in 1967 identified public broadcasting as broadcasting's last, best chance. He also suggested that no government money should support that part of public broadcasting devoted to public affairs programming. To quote from his testimony, "...even a dedicated federal trust fund, insulated from annual appropriations, may not be independent enough for the sensitive area of news and public affairs programming; public television should not have to stand the test of political popularity at any given point in time. Its most precious right will be the right to rock the boat." I would submit that it is a little difficult to rock the boat when an act of Congress requires that the boat be kept in perfect balance all the time.

Although a political settlement has been reached which most of the people in public broadcasting support because it removed the immediate threat of disaster and promises greater economic support, it does not follow from that situation that public broadcasting is on a sound, healthy and independent course in this country. In the long run, there is no separating the tax dollar from political influence and control. In recent years it has frequently been the tax-paying citizen rather than the elected politician who has been the first to question the use of the tax dollar. Don't forget that members of the most mili-

tant media access groups can and do legitimately claim taxpayer status.

Again, it is not a question of villians or heroes. The present leaders of public broadcasting possess integrity and imagination in full measure, each with respect to his or her own view of what is right, proper and necessary for public broadcasting. But the question that must be asked is whether or not the institutional forms they are constructing and the accommodations that they are making in the building of the forms will result in a system which is open and fundamentally committed to freedom of thought and opinion.

Recently, Ralph Rogers, Chairman of PBS, and Henry Loomis, President of CPB, defended the policy of consulting with government officials, Mr. Whitehead in particular, according to Henry Loomis, about programming on public television. Assurances were made to the White House about balance and objectivity. "I talked long and hard," Mr. Loomis is quoted as saying. On the one hand, this is simply practical politics, but on the other hand it is the kind of politics that cannot be played if the first principle is authentic freedom in communications. But so long as the President's signature is required in order to get the money, these kinds of political games will be played and freedom compromised.

During the hearings prior to passage of the Public Broadcasting Act of 1967, Senator Hugh Scott, a Republican, stressed

the importance of freedom for the system. There must be room for all shades of opinion, for the wise and the foolish, for the outrageous as well as the easily acceptable opinion, he argued. Otherwise, he suggested, the system would inevitably become the captive of government. What we have been seeing recently is an attempt to civilize and, in a sense, to house-break the system. With the end in mind, primarily, of making the system work within the limits of the immediate political and economic pressures, an intolerance of all but the most generally acceptable programming has been built into the system. In commercial broadcasting, if network news and public affairs policies were to be determined by a group of individuals elected by the affiliates, in consultation with a group appointed by the President of the United States, a great deal of the present trickle of good programming would disappear forever. <u>But I have just described the present public broadcast system for national programming</u>. I believe there is a parallel in this situation with one described by John Stuart Mill as follows:

"Our merely social intolerance kills no one, roots out no opinions, but induces men to disguise them, or to abstain from any active effort for their diffusion... And thus is kept up a state of things very satisfactory to some minds because, without the unpleasant process of fining or imprisoning anybody, it maintains all prevailing opinions outwardly undisturbed,

while it does not absolutely interdict the exercise of reason by dissentients afflicted with the malady of thought. A convenient plan for having peace in the intellectual world, and keeping all things going on therein very much as they do already. But the price paid for this sort of intellectual pacification is the sacrifice of the entire moral courage of the human mind."

It can be argued that I am merely trotting out the old, tired, and absurdly impractical liberal saw that the free market place of ideas is the healthiest environment for the truth. After all, it was the courtly, but not exactly contemporary, Mr. Justice Holmes, who wrote: "The best test of truth is the power of thought to get itself accepted in the competition of the market." But what does that mean in this present day of instant mass communications, on a limited number of channels where almost anything and everything can be sold, including a President, but excluding, of course, cigarettes and liquor?

I do not intend to jump from conventional liberalism into technocratic romanticism and say that the cable revolution will take care of all of that, but I do want to stick with the market place concept and suggest that, in relation to our communications institutions, we have been dealing with the wrong market place. It is the stations and the advertisers themselves who are the consumers of television programming, consumers in the sense that they make the product choices and pay the bills. They are the real market place. But what if the market place

were to become what Mills meant by the market place---the people themselves?

Since 1949 and the first Pacifica station, there have been a number of on-going experiments in this country in direct consumer support of individual broadcast stations, The success, thus far, has been marginal to say the least, particularly due to the stations themselves and to their ideologically limited programming and consumer merchandising policies which have been directed toward small and essentially specialized segments of the general audience. At present, KQED in San Francisco has about 11% of its cumulative weekly audience as members, with an average membership of $20 per year. This is about 3% of the total potential audience in the station's immediate signal area. An increase to 9 or 10% would make a station such as KQED economically self-sufficient on an audience support basis.

This is not the time to go into the complex economics of station or network operation, nor the multiple promotion and merchandising techniques which can be employed in this increasingly consumer-oriented society to support a new kind of broadcasting institution in this country. It does not require a scrambler system and it need not wait for the wired city. Furthermore, it is an idea which can grow out of a few existing public broadcast stations.

I am aware that in the concept of direct consumer support for broadcasting I have lumped together the economic market place and the market place of ideas. People will not pay for what they do not want to see and hear, but, if the price is right and the package properly presented, they will pay for what they do want and ignore the rest.

It is, at best, a problematic thesis, supported by only the most preliminary evidence. But it is a thesis which has roots in the American tradition of free consumer choice, which a government supported system does not have. To be sure, it is contrary to the system we have already developed, but I began this talk by asking, what kind of communications institution offers the optimum chance of maintaining freedom of thought and opinion.

I believe the answer will emerge from a re-examination of the entire institutional and economic forms and premises under which U.S. broadcasting presently operates. If communications is as vital, both locally and nationally, as we seem to think it is, we should not shy away from radical and innovative solutions, no matter how difficult. I have tried to suggest that there may be a way, consistent with our political and economic practices, whereby the limitations and dangers to freedom of thought and opinion from both commercial and the present public broadcasting institutions can be by-passed. To say that the idea needs and deserves much more thought is the understatement of the day.